

REMARKS

Claims 1-21 were pending in this application.

Claims 1-4, 7-9, 12-14 and 17-19 have been rejected.

Claims 5, 6, 10, 11, 15, 16, 20 and 21 have been objected to.

Claims 1, 7, 12 and 17 have been amended.

Claims 1-21 remain pending in this application.

Reconsideration of Claims 1-21 is respectfully requested.

I. IN THE SPECIFICATION

The Applicants have amended the Cross-Reference to Related Applications to refer to the related applications by application number. The Applicants respectfully submit that no new material has been added.

Section 3 of the April 22, 2004, Office Action states that the incorporation of essential material by reference to a foreign patent or application, or to a publication is improper, and requires the Applicants to amend the application to include the material incorporated by reference. The Applicants respectfully submit that no essential material has been incorporated by reference to a foreign patent or application, or to a publication. The related applications incorporated by reference are U.S. patent applications. The Applicants respectfully assert that the requirement to include the material incorporated by reference has thus been traversed.

II. IN THE DRAWINGS

Section 3 of the April 22, 2004, Office Action states that the application lacks formal drawings. The Applicants' file shows that formal drawings were submitted to the Official Draftsman by mail on April 26, 2002. If the previously submitted formal drawings are not in the Patent Office file, the Applicants will re-submit the formal drawings.

III. ALLOWABLE SUBJECT MATTER

The Applicant thanks the Examiner for the indication that Claims 5, 6, 10, 11, 15, 16, 20 and 21 would be allowable if rewritten in independent form to incorporate the elements of their respective base claims and any intervening claims. Because the Applicant believes that the remaining claims in this application are allowable, the Applicant has not rewritten Claims 5, 6, 10, 11, 15, 16, 20 and 21 in independent form.

IV. REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claims 1-4, 7-9, 12-14 and 17-19 under 35 U.S.C. § 102(e) as being anticipated by PCT Application WO 01/15,449 A1 to Vamparys ("*Vamparys*"). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. §102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP §2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir.

1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP §2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Independent Claims 1, 7, 12 and 17 have been amended to more clearly claim the Applicants' invention, reciting a content reception system comprising an explicit user profile containing user-specific rating values for a plurality of attributes, wherein a user provides a rating value to initialize a subset of two or more of the plurality of attributes during initialization of the explicit user profile. The Applicants respectfully submit that *Vamparys* does not teach these unique and novel limitations of the Applicants' invention.

The *Vamparys* reference teaches a recommendation system that builds a user profile incrementally as the user indicates a rating for a program or a single attribute of a program, such as the category of the program, a person in the program, or a keyword in a description of the program. *See Vamparys*, page 11, lines 5-9. Until a number of such ratings have been received from the user, such a system provides recommendations that are not well-customized to the user's preferences. *See Vamparys*, page 16, line 25, through page 17, line 2. In response, the *Vamparys* reference teaches initializing the user profile either with a default profile generated from demographic data describing the user and aggregated data describing other users, or with the user profile of a famous person chosen by the user. *See Vamparys*, page 17, lines 3-9. As such, the *Vamparys* reference does not teach initializing a user profile with a rating value provided by the user which is used to initialize a

subset of two or more of a plurality of attributes contained in the user profile, as recited in amended independent Claims 1, 7, 12 and 17.

For these reasons, *Vamparys* fails to show identically each and every limitation of the claimed invention and, therefore, does not anticipate independent Claims 1, 7, 12 and 17 (and claims depending therefrom). Accordingly, the Applicant respectfully requests withdrawal of the § 102 rejection and full allowance of Claims 1-4, 7-9, 12-14 and 17-19.

V. **CONCLUSION**

For the reasons given above, the Applicant respectfully requests reconsideration and full allowance of all pending claims and that this application be passed to issue.

SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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